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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,224	02/08/2000	Takeshi Misawa	1982-0143P	2273

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/500,224

Applicant(s)

MISAWA, TAKESHI

Examiner

Yogesh K. Aggarwal

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. In view of the appeal brief filed on 03/16/2005, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 7 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recited claimed limitation "resetting the infrared communication section" is not supported in the disclosure. Page 14 line 12 states "image data stored in the memory 24 is deleted" but it is not same or equivalent to resetting the infrared communication section.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7, 14, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oswal (US Patent # 6,181,883) in view of Palmer (US Patent # 5,804,829).

[Claim 1]

Oswal teaches a digital camera (figure 5, element 70) which includes a communication section (edge connector 78), comprising outputting image data from the communication section to an external device (docking station) and covering the communication section portion of the digital camera with a removable protecting means (hinged cover 76) and which is removed at times when the image data is output, the protecting means substantially contouring to the outer surface of the communication section (col. 8 lines 34-40). It would be obvious to one skilled in the art that after the protecting means 76 is removed and the image data is taken out from the communication section and when hinged cover 78 is once again covered the camera is ready (broadly read as resetting) for taking more pictures.

Oswal does not specifically teach a protection means for an infrared device. However Palmer teaches LEDs 34 that are used for infra-red communication and is covered by a filter cover 40 in order to protect the infrared LEDs from damage (col. 4 lines 25-29, figure 2).

Therefore taking the combined teachings of Oswal and Palmer, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used LEDs 34

Art Unit: 2615

that are used for infra-red communication covered by a filter cover 40 in place of the edge connector device in order to protect the infrared LEDs from damage as taught in Palmer (col. 4 lines 25-29).

[Claim 7]

Oswal teaches a digital camera (figure 5, element 70) which includes a communication section (edge connector 78), comprising outputting image data from the communication section to an external device (docking station) and covering the communication section portion of the digital camera with a removable protecting means (hinged cover 76) and which is removed at times when the image data is output, the protecting means substantially contouring to the outer surface of the communication section (col. 8 lines 34-40). It would be obvious to one skilled in the art that after the protecting means 76 is removed and the image data is taken out from the communication section and when hinged cover 78 is once again covered the camera is ready (broadly read as resetting) for taking more pictures.

Oswal does not specifically teach a protection means for an infrared device. However Palmer teaches LEDs 34 that are used for infra-red communication and is covered by a filter cover 40 in order to protect the infrared LEDs from damage (col. 4 lines 25-29, figure 2).

Therefore taking the combined teachings of Oswal and Palmer, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used LEDs 34 that are used for infra-red communication covered by a filter cover 40 in place of the edge connector device in order to protect the infrared LEDs from damage as taught in Palmer (col. 4 lines 25-29).

[Claim 14]

Art Unit: 2615

Oswal teaches a digital camera (figure 5, element 70) which includes a communication section (edge connector 78), comprising outputting image data from the communication section to an external device (docking station) and covering the communication section portion of the digital camera with a removable protecting means (hinged cover 76) and which is removed at times when the image data is output, the protecting means substantially contouring to the outer surface of the communication section (col. 8 lines 34-40). It would be obvious to one skilled in the art that after the protecting means 76 is removed and the image data is taken out from the communication section and when hinged cover 78 is once again covered the camera is ready (broadly read as resetting) for taking more pictures.

Oswal does not specifically teach a protection means for an infrared device. However Palmer teaches LEDs 34 that are used for infra-red communication and is covered by a filter cover 40 in order to protect the infrared LEDs from damage (col. 4 lines 25-29, figure 2).

Therefore taking the combined teachings of Oswal and Palmer, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used LEDs 34 that are used for infra-red communication covered by a filter cover 40 in place of the edge connector device in order to protect the infrared LEDs from damage as taught in Palmer (col. 4 lines 25-29).

[Claim 12]

Oswal teaches wherein said communication section (figure 5: 78) is formed integrally with a body of the digital camera, and is a window whose transmission of data to and receipt of data from an external device is controlled by a CPU (figure 5, col. 8 lines 34-40).

[Claim 19]

Art Unit: 2615

This claim is identical to claim 12. Therefore it has been analyzed and rejected based upon claim 12.

6. Claims 2, 4, 8, 10, 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oswal (US Patent # 6,181,883), Palmer (US Patent # 5,804,829) and in further view of Etoh et al. (US Patent # 5,959,671).

[Claim 2]

Oswal in view of Palmer teaches a removable protecting cover which covers the infrared communication section but fails to teach "... charging terminals for charging a power source when the camera is set on an adapter". However Etoh et al. discloses charging terminals for charging a rechargeable battery when the camera body is set on an adapter as disclosed in figure 3 and 4. Therefore taking the combined teachings of Oswal, Palmer and Etoh it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a charging terminals for charging a power source in order to charge the camera battery when the camera battery by placing the camera in an AC adapter when the camera is not in use as taught in Etoh (col. 7 lines 29-34).

Re Claims 8 and 15 these claims are identical to claim 2. Therefore they have been analyzed and rejected based upon claim 2.

[Claim 4]

Oswal in view of Palmer teaches a removable protective door for infrared protecting means and Etoh teaches a protective AC adapter for charging terminals can be read as a protection film, which wraps up the communication section and the charging terminals.

Art Unit: 2615

Re Claims 10, 17 these claims are identical to claim 4. Therefore they have been analyzed and rejected based upon claim 3.

7. Claims 3, 9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oswal (US Patent # 6,181,883), Palmer (US Patent # 5,804,829) and in further view of Ando (US Patent # 6,304,724).

[Claim 3]

Oswal in view of Palmer fail to teach "... wherein said protecting means is a sheet shaped member which is elastic". However these limitations are well known in the art as taught in Ando (col. 4 lines 26-35, figure 11: 14)[The rubber gasket (elastic) is provided on a door 12 used for housing a battery. Although the camera shown is a film one, it would be obvious to one skilled in the art to use the same concept in digital cameras as they are provided with a battery chamber too]. Therefore taking the combined teachings of Oswal, Palmer and Ando, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have protecting means that is sheet shaped member, which is elastic like rubber. The benefit of doing so would be to have a watertight and light tight seal as taught in Ando (col. 4 lines 30-35).

Re Claims 9, 16 these claims are identical to claim 3. Therefore they have been analyzed and rejected based upon claim 3.

8. Claims 5, 11, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oswal (US Patent # 6,181,883), Palmer (US Patent # 5,804,829) and in further view of Hatori (JP Patent # 410042231A).

[Claim 5]

Art Unit: 2615

Oswal in view of Palmer teaches the limitations of claim 1 but fails to teach "... an indicating means for indicating that said protecting means was removed." However these limitations are well known in the art as taught in Hatori [Hatori discloses in the solution of the abstract that switch means 106 is used to detect the open or closed state of the card cover 104 which is used to inhibit the insertion/detachment of the recording medium]. Therefore taking the combined teachings of Oswal, Palmer and Hatori it would have been obvious to one skilled in the art to have an indicating means for indicating that said protecting means was removed. Doing so would allow to safely write and read data to/from a recording medium inserted to a digital camera as taught in Hatori (Abstract).

Re Claims 11 and 18 these claims are identical to claim 5. Therefore they have been analyzed and rejected based upon claim 5.

9. Claims 6, 13, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oswal (US Patent # 6,181,883), Palmer (US Patent # 5,804,829), Hatori (JP Patent # 410042231A) as applied to claims 5, 11, 18 respectively in further view of Norris (US Patent # 4,523,825).

[Claim 6]

Oswal, Palmer and Hatori fails to teach the limitations of claim 5 but fails to teach "... wherein said indicating means is a "seal broken" mark which is exposed when the protecting means is removed". However these limitations are well known in the art as taught in Norris (col. 2 lines 61-63). Therefore taking the combined teachings of Oswal, Palmer, Hatori and Norris as a whole it would have been obvious to one skilled in the art to have an indicating means that is a "seal broken" mark which is exposed when the protecting means is removed. Doing so would allow protecting the security of the data contained in the communication device.

Art Unit: 2615

Re Claims 13 and 20 these claims are identical to claim 6. Therefore they have been analyzed and rejected based upon claim 6.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
June 23, 2005


DAVID L. OMETZ
PRIMARY EXAMINER